

Court No. 2
09.9.2024
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 509 of 2024

Subrata Kundu
VS
The State of West Bengal & Ors.

Mr. Sayan Hazra
..... for the petitioner
Mr. Momenur Rahman
Mr. Pretom Das
.... For the State

Affidavit of service filed in Court today is taken
on record.

The last order dated **September 2, 2024**
speaks for itself.

Pursuant to the said order dated **September 2, 2024** the jurisdictional District Magistrate has
been impleaded in this writ petition as added
respondent No. 8.

Affidavit of service filed today in Court shows
that a copy of the writ petition has already been
served upon the added respondent No. 8.

Mr. Sayan Banerjee, learned advocate
appearing for the petitioner submits that, out of the
total amount of outstanding for a sum of
Rs.25,00,000/- for which bills were raised on
account of supply of food at the behest of the State by
the petitioner to a hospital during the quarantine
period of Covid-19, a sum of **Rs.4,00,000/-** has been
paid to the petitioner as and by way of part payment
out of the said total outstanding.

The sum of around **Rs.21,00,000/-** is now due and payable to the petitioner. The part payment was made without any objection or demur. The part payment shows the acknowledgement of dues by the State against the bills raised by the petitioner.

Mr. Momenur Rahman, learned State advocate appears for the respondents.

In view of the above, to sub-serve justice, the added respondent No. 8 being the district Magistrate of the concerned District upon issuing a prior hearing notice of at least seven days to the petitioner and after giving the petitioner an opportunity of hearing shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order.

In the event, the District Magistrate requires any assistance from the Block Development Officer and the jurisdictional Chief Medical Officer of the district, he shall take all such assistance from them and they shall provide all the necessary assistance, accordingly without any delay.

The entire exercise as directed herein shall be carried out and completed by the added respondent No. 8 within a period of **six weeks** from the date of communication of this order.

The reasoned order shall then be communicated to the petitioner within a further period of **two weeks** from the date of the said reasoned order to be passed. In the event, the

reasoned order goes in favour of the petitioner, the respondent No. 8 shall calculate the dues along with interest @ **4% per annum** to be paid to the petitioner from the date of the last part payment made to the petitioner till the date of actual tendering the amount.

The payment shall then to be released and paid to the petitioner by crediting the bank account after receiving the bank account details from the petitioner positively within a period of **three weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the writ petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the added respondent No. 8 but same shall not travel beyond the scope of the writ petition.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition **W.P.A. 509 of 2024** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)